

Attorney Docket No.: J3678(C)  
Serial No.: 10/520,394  
Filed: January 4, 2005  
Confirmation No.: 5147

**REMARKS**

Applicants thank the Examiner for noting the incorrect status identifier on claim 19 (which had been amended and presented for examination and was not intended to be cancelled), and including same in the examined claims. The current claim listing properly identifies claim 19 and clarifies that it was not Applicants' intent to cancel this claim. Entry thereof is respectfully requested.

Regarding to the data summary provided in the referenced Office Action, it is respectfully submitted that the data tabulated at page 3 thereof is better understood with reference to the levels at which caffeine and citric acid were present. A more complete presentation of such data is as follows:

| Example | Caffeine | Wt% Citric Acid | Curl Drop Out Value (%) |
|---------|----------|-----------------|-------------------------|
| C       | 1 wt.%   | --              | 48                      |
| D       | 5 wt.%   | --              | 45.8                    |
| E       | --       | 1 wt.%          | 49                      |
| F       | --       | 5 wt.%          | 37.5                    |
| 3       | 1 wt.%   | 1 wt %          | 35                      |
| 4       | 5 wt.%   | 5 wt%           | 16.8                    |

The styling compositions with 1 wt. % caffeine and no citric acid (Example C) or 1 wt. % citric acid and no caffeine (Example E) had curl drop out values of 48% and 49% respectively, while the styling composition with **5 wt.%** caffeine and no citric acid (Example D) had a curl drop out value of 45.8% (somewhat of an improvement over Example C but at **5 times the level of active**) and the styling composition with 5 wt.% citric acid and no caffeine (Example F), had a curl drop out value of 37.5% (an improvement over Example E, but at **5 times the level of**

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**active). In contrast, Example 3 which contained only 1 wt.% of each of citric acid and caffeine had a curl drop value of 35%. Thus, the combination of citric acid and caffeine at a total level of 2 wt.% significantly outperformed a composition that contained 5 wt.% of caffeine and no citric acid (Example D) and was somewhat better than Example F (citric acid 5 wt.% no caffeine), at a substantially reduced level of total active. To achieve better hold at less than half the level of total active is a significant improvement; it is respectfully submitted that the improvement in high humidity hold provided by the claimed combination of xanthine component and alpha-hydroxy acid component is surprising and unexpected, and is not obvious from the applied references individually or in combination.**

Applicants incorporate herein the remarks set forth in their prior response with respect to Barton and Moeller.

In view of the foregoing remarks, reconsideration and allowance of the subject claims is respectfully requested.

If a telephone conversation would be of assistance in advancing the prosecution of the present application, applicants' undersigned attorney invites the Examiner to telephone at the number provided.

Respectfully submitted,

/Karen E. Klumas/

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Karen E. Klumas  
Registration No. 31,070  
Attorney for Applicant(s)

KEK/sa  
(201) 894-2332